

IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI

In Re:)
Anthony Wayne Barnhart, Jr.,) Case Number: 10-45064-jwv
Debtor,) Chapter 7

Anthony Wayne Barnhart, Jr.,)
Plaintiff,)
v.) Adversary No.: 13-04184-can

The Higher Education Loan Authority of)
The State of Missouri, a/k/a MOHELA)
Defendant.)

**MOHELA'S RESPONSE TO PLAINTIFF'S MOTION FOR EXTENSION OF TIME
TO RESPOND TO DISCOVERY AND MOTION TO DISMISS**

COMES NOW The Higher Education Loan Authority of the State of Missouri ("MOHELA"), by and through its attorneys, and Responds to Plaintiff's Motion for Extension of Time to Respond to Discovery and in support thereof states:

1. On April 11, 2013, MOHELA served discovery on Defendant, Anthony Wayne Barnhart, Jr., including Interrogatories, with responses due May 13, 2014.
2. Plaintiff has filed three motions requesting extensions of discovery deadlines.
3. On May 30, 2014, Plaintiff filed his third motion requesting an extension of the deadline to respond to MOHELA's interrogatories up to June 10, 2014.
4. On August 22, 2014, MOHELA filed a Motion to Compel Plaintiff's Responses to Interrogatories, which was granted on September 23, 2014, and Plaintiff was given until October 7, 2014 to provide discovery responses.
5. On October 9, 2014, *two days after the deadline to respond to discovery*, a fourth motion to extend time was filed because Plaintiff still had not submitted completed discovery to his counsel.
6. MOHELA's discovery has been pending in this adversary proceeding for over six months and Plaintiff has shown a pattern of failing to respond to discovery requests as

illustrated by the dismissal of his previous adversary proceeding, #11-04046, which was dismissed for Plaintiff's failure to respond to discovery.

7. Plaintiff has failed to comply with the order granting MOHELA's Motion for Compel entered on September 23, 2014, and so Plaintiff's adversary complaint should be dismissed for failure to comply with this Court's order.

WHEREFORE, Defendant MOHELA prays this court enter an order denying Plaintiff's Request for Extension of Time to Respond to Discovery and to dismiss Plaintiff's adversary complaint for failure to comply with this Court's order, and for such other and further relief as this court deems just in the premises.

Respectfully Submitted,

KRAMER & FRANK, P.C.

/s/ EvaMarie Kozeny
EvaMarie Kozeny, # 40448MO
Timothy M. Bosslet, #29483MO
9300 Dielman Ind. Dr., Ste. 100
St. Louis, MO 63132
(314) 754-6127/6113
(314) 442-2127/6113 Fax
eva.kozeny@lawusa.com
tim.bosslet@lawusa.com

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing was served on the Plaintiff's attorney and all other parties in the above cause who registered through the CM/ECF System and written notice was mailed to parties who do not receive electronic notice in the above cause, by mailing the same via United States Mail, first class, postage prepaid on October 14, 2014, addressed to the following:

American Education Services
P.O. Box 2461
Harrisburg, PA 17105-2461

Nelnet
3250 Quentin St, Ste 112
Aurora, CO 80011-1841

Metropolitan Community College
c/o National Recoveries, Inc.
3200 Broadway
Kansas City, MO 64111

/s/ Eva Kozeny